IN THE HIGH COURT OR UTTARANCHAL AT NAINITAL

Writ Petition No. 1506 of 2006 (S/S)

Sanod Kumar
S/o Sri Surender Mohan Majakhola
R/o Village and Post Office Garwagar
Patti-Nagalsun, District Pauri Garhwal ……..Petitioner

Versus

1. Union of India, through Secretary
   Rural Development, New Delhi.
2. G.B. Pant Institute of Himalayan Environment
   & Development Kosi-Katarmal
   District Almora.
3. Scientist Incharge, G.B. Pant Institute
   of Himalayan Environment & Development
   Koshi-Katarmal, District-Almora
   Garhwal Unit Upper Bhaktiyana
   Srinagar Garhwal-246174……..Respondents.

Shri Vinod Nautiyal, learned counsel for petitioner.

Hon'ble Prafulla C. Pant, J

Heard learned counsel for the petitioner.

2. By means of this petition, the petitioner has sought continuance in service as Field Assistant.

3. Condition No. 3 in Annexure-1 to the writ petition which is letter of appointment of the petitioner, itself shows that offer is made initially for a period of one year from the date of joining the position. There is yet another condition No. 5 apart from condition No. 3, mentioned above that "fellowship may be terminated at any time without any prior intimation and/or assigning any reason thereof." Annexure-2 to the writ petition itself further shows that the petitioner was engaged on a consolidated salary of Rs. 2,200/- per month and not on any pay scale.

Annexure-4 to the writ petition, further makes it clear that the land given by the villagers was only for a period of five years.

4. In the above circumstances, the relief sought by the petitioner that a mandamus be issued to the respondents to permit the petitioner to continue on the post of Field Assistant and pay minimum salary to the petitioner and further to direct respondents not to interfere in his working cannot be granted in view of principle of law laid down in ***Secretary, State of Karnataka Vs. Uma Devi, reported in (2006) 4 Supreme Court Cases, Pg. 01.*** The relief sought by the petitioner is nothing but indirectly seeking regularization in service.

5. The writ petition is dismissed in limine with the observation that the petitioner, if he so likes, may make representation to the concerned authorities for redressal of his grievances including any arrears of salary, if any due to him. (All pending applications also stand disposed of).

Dt. 04.12.2006 **(Prafulla C. Pant, J.)**

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